

Application No.: 09/704179

Docket No.: SMQ-038

REMARKS

Claims 1-2 and 4-36 are currently pending of which claims 1, 19 and 35 are independent.

Double Patenting Rejection

Applicant has submitted a terminal disclaimer herewith addressing the double patenting rejection with regard to claims 1-2, 4, 6-19, 20-22, 24-33 and 35-36 of the present application and claims 1-14 of co-owned U.S. Patent No. 6,874,012.

Rejections Pursuant to 35. U.S.C. §103(a)

Claims 1-2 and 4-36 [claim 3 was previously cancelled] were rejected as being unpatentable over Nawaz et al (United States Patent Number 6, 421, 694, hereafter "Nawaz") in view of Davidson et al (United States Patent Number 6,246, 693, hereafter "Davidson"), and further in view of Ishibashi et al (United States Patent Number 6,360, 152, hereafter "Ishibashi"). For the reasons set forth below, those rejections are respectfully traversed.

Summary of Claimed Invention

The claimed invention addresses the display limitations encountered in prioritizing and displaying messages received from multiple network devices. The claimed invention provides a priority messaging protocol that enables a display device to prioritize the messages received from multiple network devices and allows the display device to communicate with the network devices over the network. The priority messaging protocol is used to register each network device with the display device. A priority message queue for each registered device is created on the display device. Each priority message queue is assigned a priority by the display apparatus based on the identity of the network device. All messages received from a network device are placed in the priority message queue associated with the network device. Each message is further sorted within the priority message queue based on a priority level encoded in the message by the sending device and identified by the display device. Messages are displayed based first on the priority between the respective message queues and then by priority within the message queue. The claimed invention also provides two-way communication between the

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network device and the display device that enables the retrieval of message status information by the network device.

Summary of Nawaz et al

Nawaz discusses a system for showing a dynamically changing ticker on a desktop. The ticker includes data from a number of different sources including various network sources. Data is displayed in a substantially continuous sequence on the desktop in a ticker pane in a windowing environment. Nawaz also provides the ability to handle a high priority email differently from regular emails.

Summary of Davidson et al

Davidson et al discusses a simplex (one-way) communication system between a user and a host computer utilizing at least one repeater device. The system is directed towards a one way packet communication channel with re-transmissions to ensure that data sent in the simplex communication system arrives at its destination. Davidson et al discusses the retransmission of a received message at pre-determined intervals in a one way communication system where other techniques such as time-division multiplexing are unavailable. Davidson et al does discuss the use of a priority queue for sorting messages based on a priority assigned by the originator of the message and identified by the repeater (see col. 16, lines 45-57). Messages assigned to the priority queue are handled on a FIFO (First In First Out) basis (see Col. 16, lines 52-53 and col. 18, lines 47-50) at the repeater. Davidson et al does not discuss creation of priority message queues based on the identity of the network device or the use of a priority message queue by a display device.

Summary of Ishibashi et al

Ishibashi describes a vehicle control communication system used to connect different vehicle operating nodes to each other. For example, different nodes exist for engine control, automatic control, throttle control, anti-lock brake system control, traction system control etc.

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A scheduler node includes a communication processing section which facilitates communication among the various nodes in the motor vehicle. The communication processing section manages requests to transmit by referring to a node construction table and transmission control table. The node construction table assigns priorities to messages received from different nodes. The construction table also includes the necessary bandwidth for time division transmissions. The transmission control table identifies the node, includes the transmission cycle allocated to each node for its required bandwidth, the transmission history of the node, and the node status. Ishibashi does not discuss the use of a display manager or a priority message queue on a display device.

Argument

Applicant respectfully suggests that the combination of references submitted by the Examiner fails to teach or suggest all of the elements of Applicant's independent claims. Additionally, the combination of references suggested by the Examiner contains matter which affirmatively teaches away from the combination suggested by the Examiner. Both of these arguments are discussed below.

Claims 1, 19 and 35 (the independent claims) each include the element of creating a separate priority message queue on the display device for each device registered with the display device. The Examiner has admitted that Nawaz does not disclose creating a separate priority message queue (see page 6 of Office Action). Instead, the Examiner relied on a combination of Davidson and Ishibashi to supply the claim elements admittedly missing from Nawaz (the creation of the priority message queue for each registered device on the display device). Applicant respectfully suggests that the reliance on Davidson and Ishibashi in combination with Nawaz as disclosing the creation of the separate priority messaging queues is misplaced.

The claimed methods of independent claim 1 and independent claim 19, and the corresponding medium claim set forth in independent claim 35 prioritize received messages to determine the sequence in which they are displayed. Each of the independent claims recites "a separate priority message queue created on said display device for each network device

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registered with the display device, each priority message queue having a priority level assigned to it based on the identity of the registered network device..."[emphasis added]

None of the Examiner's references create a separate priority message queue on a display device for each registered device. As mentioned earlier, the Examiner has admitted that Nawaz lacks this limitation. Davidson is a simplex system for retransmitting messages and discusses the prioritizing of messages on a repeater prior to retransmission to an intended destination. Furthermore, Davidson does not discuss a separate priority message queue for each device, much less a separate priority message queue for each device that is created on a display device. Ishibashi is a communication system for different nodes in a motor vehicle. There is no discussion of a display device or a display device with a priority message queue. Ishibashi discusses intra-node communications between vehicle operating nodes, not communications directed to a display device. None of the three references shows the use of separate priority message queues on a display device as claimed by Applicant. The combination of references has various pieces of Applicant's invention but fails to teach or suggest the claimed apparatus in its entirety. Accordingly, Applicant asserts that since all of the claims are dependent upon claims 1, 19 or 35, and since the combination of references fails to teach or suggest all of the claim elements of claims 1, 19 and 35, all of the claims are in order for allowance.

Additionally, Applicant also submits that the suggested combination of references would not have been obvious at the time of the invention because there would be no motivation to combine the references. Indeed, the Davidson reference teaches away from a combination with Ishibashi. Davidson is a communication system attempting to avoid collisions in a simplex (one way) communication system where time division multiplexing is unavailable (see col. 1, line 26-65 of Davidson). Ishibashi is a time division based communication system. The discussion of Figures 5 and 6 in Ishibashi located at col. 12 lines 4-43 generally, and lines 19-20 particularly, discusses the required bandwidth for I/O processing in a time-division system. A practitioner skilled in the art would not find it obvious to combine the system of Davidson designed to make up for the inability to perform TDM (time division multiplexing) with a TDM-based system. TDM requires synchronization in message transmission and an acknowledgement as to message status. The system of Davidson is designed to make up for a lack of synchronization in a unidirectional system where an acknowledgement as to the status of the transmission is not

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available. The combination of elements from the one system with the other simply would not have been obvious to one skilled in the art.

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CONCLUSION

In view of the above remarks, Applicant believes all of the claims in the pending application are in condition for allowance.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SMQ-038 from which the undersigned is authorized to draw.

Dated: August 17, 2005

Respectfully submitted,

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